

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to driver education
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 634, “Driver Education,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.178.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 307.12 and 321.178 as amended by 2019 Iowa Acts, Senate File 319, and Iowa Code section 321.178A.

Purpose and Summary

This proposed rule making amends Chapter 634 to incorporate amendments that align with existing legal authority and Department practice, eliminate outdated or irrelevant requirements or options, and promote consistency by organizing the requirements for behind-the-wheel driver education instructors according to whether the instructor is a licensed teacher, a licensed teacher with an expired teaching license, a peace officer or a retired peace officer, or is not a licensed teacher.

The most significant proposed amendments modernize the certification process for a behind-the-wheel driver education instructor under the authority of the Department in Iowa Code section 321.178. A person providing parent-taught driver education under the authority in Iowa Code section 321.178A is not considered a behind-the-wheel driver education instructor and is therefore not subject to the same certification requirements that make up the majority of this rule making. A behind-the-wheel driver education instructor is certified by the Department and authorized by the Iowa Board of Educational Examiners to provide the “street or highway driving” portion of a driver education program and can be a licensed teacher or a person who is not a licensed teacher. This is different than a classroom driver education instructor, who can only be a licensed teacher and is regulated exclusively by the Iowa Board of Educational Examiners.

Certified behind-the-wheel driver education instructor requirements. There are approximately 700 behind-the-wheel driver education instructors in Iowa certified by the Department and authorized by the Iowa Board of Educational Examiners. The current rules lack specificity regarding the difference in the requirements a person must meet to provide behind-the-wheel instruction depending on if the person is a licensed teacher, a peace officer or retired peace officer, or is not a licensed teacher. Therefore, the goals of this rule making are to spell out the differences where necessary and to apply the same requirements consistently amongst behind-the-wheel instructors while comprehensively modernizing the behind-the-wheel certification process. Improvements include offering instructor refresher course options that are more tailored to the specific audience’s existing skill set and professional experience, and that provide value and are more convenient, including electronic training options. The proposed amendments also reduce burdens by making the instructor refresher course biennial (rather than annual) and offering a new way for an instructor with an expired behind-the-wheel certification to regain certified status without having to retake the entire instructor preparation course.

The new requirement to complete the instructor refresher course biennially begins January 1, 2021, and will apply to all certified behind-the-wheel instructors. The Department currently offers a robust and well-received annual behind-the-wheel instructor refresher course in person and is actively working on developing additional course opportunities, including via webinar or an online training module.

Currently, a licensed teacher is not required to participate in any behind-the-wheel refresher course if the teacher has maintained a valid teacher's license, whereas a behind-the-wheel instructor who is not a licensed teacher has always been required to attend the refresher course annually. The instructor refresher course provides an excellent opportunity to review trends and improvements in the area of driver education that are specific to behind-the-wheel instruction, as well as identify updates to the laws governing traffic safety and driver education, and therefore is considered a necessary component of the behind-the-wheel certification process to yield consistency in driver education. However, in recognizing that certain categories of behind-the-wheel instructors are required to maintain a specific skill set as part of their profession, for example, a licensed teacher or a peace officer, the Department plans to develop refresher course content that is specifically tailored, rather than subjecting a licensed teacher or peace officer to course content that does not take into account their existing skill sets and specific needs when it comes to behind-the-wheel driver education instruction.

The proposed amendments incorporate the changes made in 2019 Iowa Acts, Senate File 319, which amends Iowa Code section 321.178 to exempt peace officers and retired peace officers from the requirement to be authorized by the Iowa Board of Educational Examiners to provide behind-the-wheel driver education instruction. A peace officer or retired peace officer must still meet other requirements under the rules to be certified by the Department to provide behind-the-wheel driver education, except a peace officer or retired peace officer will not be required to complete the initial behind-the-wheel instructor classroom and behind-the-wheel driving preparation course under subparagraph 634.6(6)“a”(3).

The proposed amendments also align the Department's reasons for disqualification of a behind-the-wheel instructor with the reasons for which the Iowa Board of Educational Examiners may deny an application for licensure, certification or authorization under rule 282—11.35(272). By aligning the Department's disqualification reasons with the Board's requirements, there will be less chance for inconsistency and unequal treatment for persons providing behind-the-wheel driver education instruction.

Parent-taught driver education. A parent providing parent-taught driver education under Iowa Code section 321.178A is not subject to the behind-the-wheel certification requirements as an instructor who teaches at a school-offered or commercial driver education program, so the majority of this rule making does not apply to parent-taught driver education. However, the Department did identify an improvement to the rules governing parent-taught driver education that will provide a teaching parent and the student greater flexibility. The proposed amendments remove the requirement for a student and parent to restart the course if the student and parent start an approved course before they receive Departmental approval to begin the course. Making this change will help avoid situations where a student is required to retake an approved course that the student had already started or completed simply because the student began too soon, and instead allows the focus to remain on whether the course is approved and appropriate and the remaining requirements are properly met.

Fiscal Impact

The proposed amendments alter the application and certification process for behind-the-wheel driver education instructors but do not impose any fees and, therefore, do not have a fiscal impact.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 10, 2019. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

December 12, 2019
10 a.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—634.1(321) as follows:

761—634.1(321) Information and location. Applications, forms and information regarding this chapter are available by mail from the ~~Office of Driver and Identification Services Bureau~~, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at ~~(515)237-3153~~ [\(515\)244-8725](tel:(515)244-8725); ~~or by facsimile at (515)237-3074~~ [\(515\)239-1837](tel:(515)239-1837); or on the department's website at www.iowadot.gov.

ITEM 2. Amend rule 761—634.2(321) as follows:

761—634.2(321) Definition Definitions.

"Behind-the-wheel instruction" means the street or highway driving instruction component of an approved driver education course.

"Instructor," for purposes of this chapter, means a person certified to provide behind-the-wheel instruction.

“Laboratory instruction” includes instruction received by a student while the student is in the driver education vehicle or adjacent to it as referred to in paragraphs 634.4(2) “c” and 634.4(2) “d” and may also include range or simulation as referred to in paragraphs 634.4(2) “h” and 634.4(2) “i.”

“Serious injury” means the same as defined in Iowa Code section 702.18.

“Teacher” means the same as defined in Iowa Code section 272.1.

ITEM 3. Amend subrule 634.4(1) as follows:

634.4(1) Course approval. Any school district, area education agency, merged area school, other agency or ~~individual person~~ planning to offer a driver education course must receive course approval, which includes approval of all teachers and instructors listed on the application, from the department prior to the beginning of the first class that is offered and annually thereafter. The agency or institution or individual person shall complete a form provided by the department to apply for course approval in a manner determined by the department. Course approval ~~will be issued for a calendar year or remainder of a calendar year. The approval expires on December 31 and must be renewed annually. The approval is valid for one calendar year or a remaining calendar year and expires on December 31. The application for course renewal shall be submitted to the department within 60 days of the expiration date, unless otherwise approved by the department.~~

ITEM 4. Amend subrule 634.4(2) as follows:

634.4(2) Course requirements. Driver education courses provided by approved programs must comply with the following:

a. No change.

b. Each student shall be scheduled to receive classroom ~~and~~ or laboratory instruction each week of the course but in no case shall laboratory instruction conclude later than 30 days after classroom instruction is completed.

c. to j. No change.

k. The driver education teacher or instructor shall verify at the beginning of each course that each student possesses a valid instruction permit or driver’s license. Each student shall be responsible for possessing an instruction permit or driver’s license throughout all laboratory instruction and report any suspension, revocation or cancellation of the instruction permit or driver’s license to the driver education teacher or instructor prior to attending laboratory instruction.

ITEM 5. Amend rule 761—634.6(321) as follows:

761—634.6(321) Teacher Instructor qualifications, application and certification.

634.6(1) Behind-the-wheel instructor qualifications. ~~To qualify to be a driver education teacher, the teacher~~ provide behind-the-wheel instruction, the person must:

634.6(1) a. Hold a valid driver’s license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.

634.6(2) b. Have a clear driving record for the previous two years. A clear driving record means the ~~individual person~~ has:

~~a. (1)~~ (1) Not been identified as a candidate for driver’s license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).

~~b. (2)~~ (2) No driver’s license suspensions, revocations, denials, cancellations, disqualifications or bars.

~~c. (3)~~ (3) Not committed an offense that would result in driver’s license suspension, revocation, denial, cancellation, disqualification or bar.

~~d. (4)~~ (4) No record of ~~an accident for which the individual was convicted of a moving traffic violation~~ a contributive motor vehicle accident that caused the death or serious injury of another person.

(5) No record of two or more contributive motor vehicle accidents in a two-year period.

c. Meet the requirements for either a licensed teacher in 282—subrule 13.28(4) or a certified behind-the-wheel instructor in this chapter.

634.6(2) Behind-the-wheel instructor’s certification requirements. Except as otherwise provided in this chapter, the following requirements shall apply to a behind-the-wheel instructor:

a. An applicant for an initial behind-the-wheel instructor's certification or a renewal shall apply to the department in a manner determined by the department.

(1) If the application is for an initial behind-the-wheel instructor's certification, instructor approval is valid for a calendar year or the remainder of a calendar year. The instructor approval expires on December 31 but remains valid for an additional 30 days after the expiration date.

(2) If the application is to renew a behind-the-wheel instructor's certification, a person shall do all of the following:

1. Apply to the department annually. Instructor approval is valid for a calendar year or the remainder of a calendar year. The instructor approval expires on December 31 but remains valid for an additional 30 days after the expiration date. An application for renewal of instructor approval shall be submitted within 60 days of the expiration date, unless otherwise approved by the department.

2. Provide behind-the-wheel instruction for a minimum of 12 clock hours during each calendar year.

b. Beginning January 1, 2021, a person shall complete at least one state-sponsored or state-approved behind-the-wheel instructor refresher course biennially. The state-sponsored or state-approved course may include electronic completion or remote attendance options, as approved by the department. The department may develop a special course for licensed teachers or peace officers who qualify to provide behind-the-wheel instruction under subrule 634.6(3) or 634.6(5), which shall be reserved only for licensed teachers or peace officers who qualify as behind-the-wheel instructors.

c. Upon certification, but prior to providing behind-the-wheel instruction, the person shall be:

(1) Authorized by the Iowa board of educational examiners to provide behind-the-wheel driving instruction.

(2) Employed by a public or licensed commercial or private provider of the approved driver education course.

634.6(3) Instructor's certification for licensed teachers. A teacher licensed by the Iowa board of educational examiners as provided in 282—subrule 13.28(4) shall be included as an approved instructor on an annual driver education course approval as referenced in subrules 634.4(1) and 634.8(1), and except for the requirements in paragraphs 634.6(2) "a" and 634.6(2) "c," a teacher shall meet the requirements in subrule 634.6(2) to be certified by the department to provide behind-the-wheel instruction.

634.6(4) Instructor application and certification for a teacher with an expired teacher's license. A teacher who holds an expired initial, standard, exchange, or master educator license with an endorsement for driver education as provided in 282—subrule 13.28(4) shall meet the requirements in subrule 634.6(2) to be certified by the department to provide behind-the-wheel instruction.

634.6(5) Instructor application and certification for active peace officers and retired peace officers.

a. A person who is an active peace officer or a retired peace officer as referenced in Iowa Code section 321.178 shall do all of the following to be certified by the department to provide behind-the-wheel instruction:

(1) Be at least 25 years of age.

(2) Submit Form 431233 certifying the person's status as an active or retired peace officer.

(3) Meet all other requirements of subrule 634.6(2), except peace officers or retired peace officers who otherwise qualify under this subrule are not required to meet the requirement of subparagraph 634.6(2) "c"(1).

b. A retired peace officer is only required to submit Form 431233, required under paragraph 634.6(5) "a," to the department once unless the form is otherwise invalid or not accepted by the department.

634.6(6) Instructor application and certification for persons other than licensed teachers, peace officers or retired peace officers.

a. A person who is not licensed by the Iowa board of educational examiners to provide classroom driver education as provided in 282—subrule 13.28(4), who does not hold an expired teacher's license as referenced in subrule 634.6(4), or who is not a peace officer or a retired peace officer as referenced in Iowa Code section 321.178, shall do all of the following to be certified by the department to provide behind-the-wheel instruction:

(1) Be at least 25 years of age.

(2) Meet the requirements in subrule 634.6(2), except that a person certified under this subrule shall complete the instructor refresher course referenced in paragraph 634.6(2) “b” annually until January 1, 2021, and thereafter shall complete the course biennially.

(3) Have successfully completed the instructor preparation requirements of this subrule, as evidenced by written attestations on a form provided by the department from both the classroom instructor and behind-the-wheel observer. The person seeking a behind-the-wheel certification must apply to the department within 12 months of completion of the instructor preparation course. The department-approved instructor preparation course shall:

1. Consist of 24 clock hours of classroom instruction and 12 clock hours of observed behind-the-wheel instruction.

2. Include, at a minimum, classroom instruction on topics including the psychology of the young driver, behind-the-wheel teaching techniques, and driving route selection. Classroom instruction shall be delivered by staff from a driver education teacher preparation program that is approved by the Iowa board of educational examiners. The duration of a classroom instruction section shall not exceed four hours. Video-conferencing may be used for course delivery.

3. Include observation of behind-the-wheel instruction provided by a person licensed to teach driver education who is specially trained by a driver education teacher preparation program that is approved by the Iowa board of educational examiners and that is designed to observe, coach, and evaluate behind-the-wheel instructor candidates. The duration of a behind-the-wheel session shall not exceed four hours. A dual-controlled motor vehicle must be used.

b. Reserved.

634.6(7) Behind-the-wheel certification—reissuance.

a. A person whose behind-the-wheel certification has expired and is past the renewal period may be reissued a behind-the-wheel certification without having to retake the behind-the-wheel instructor preparation course only if the person meets all of the following criteria:

(1) The person held a valid behind-the-wheel certification within the two years immediately preceding the application.

(2) The person provided a minimum of 12 clock hours of behind-the-wheel instruction within the two years immediately preceding the application.

(3) The person completed at least one state-sponsored or state-approved behind-the-wheel instructor refresher course within the two calendar years immediately preceding the application unless otherwise exempt under this chapter.

(4) The person completed a minimum of 12 clock hours shadowing a teacher licensed by the Iowa board of educational examiners as provided in 282—subrule 13.28(4) through a department-approved driver education program within 90 days immediately preceding the application.

b. Upon certification, but prior to providing behind-the-wheel instruction, the person shall do all of the following:

(1) Be authorized by the Iowa board of educational examiners to provide behind-the-wheel driving instruction unless otherwise exempt under this chapter.

(2) Be employed by a public or licensed commercial or private provider of the approved driver education course and work under the supervision of a person licensed by the Iowa board of educational examiners as provided in 282—subrule 13.28(4).

ITEM 6. Amend rule 761—634.7(321) as follows:

761—634.7(321) Behind-the-wheel instructor’s certification Instructor disqualification, investigation and cancellation. The following applies to departmental certification of a person who is qualified to provide the street or highway driving component of an approved driver education course.

634.7(1) Qualifications. To qualify for the behind-the-wheel driving instructor certification, the applicant must:

a. Be at least 25 years of age.

~~b. — Hold a valid driver’s license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.~~

~~c. — Have a clear driving record for the previous two years. — A clear driving record means the individual has:~~

~~(1) — Not been identified as a candidate for driver’s license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).~~

~~(2) — No driver’s license suspensions, revocations, denials, cancellations, disqualifications or bars.~~

~~(3) — Not committed an offense that would result in driver’s license suspension, revocation, denial, cancellation, disqualification or bar.~~

~~(4) — No record of an accident for which the individual was convicted of a moving traffic violation.~~

~~d. — Have successfully completed the instructor preparation requirements of this rule, as evidenced by written attestations on a form provided by the department from both the classroom instructor and behind the wheel observer.~~

~~**634.7(2)** **634.7(1)** *Disqualifications.* An individual A person shall be disqualified for the by the department from certification as a behind-the-wheel driving instructor ~~certification~~ for any of the following reasons: for which the executive director of the Iowa board of educational examiners would deny an application for licensure, certification or authorization as provided in rule 282—11.35(272).~~

~~a. — The individual has been convicted of child abuse or sexual abuse of a child.~~

~~b. — The individual has been convicted of a felony.~~

~~c. — The individual’s application is fraudulent.~~

~~d. — The individual’s teaching license or behind-the-wheel instructor’s certification from another state is suspended or revoked.~~

~~**634.7(3)** **634.7(2)** *Investigation.* The department may investigate an applicant for a behind-the-wheel instructor’s certification or an instructor to determine if the applicant or instructor meets the requirements for certification. The investigation may include but is not limited to an inquiry into the applicant’s or instructor’s criminal history from the department of public safety.~~

~~**634.7(4)** *Certification.*~~

~~a. — To obtain a behind the wheel instructor’s certification, an individual meeting the qualifications shall apply to the department on a form provided by the department. The certification shall be issued for a calendar year or remainder of a calendar year. The certification expires on December 31 but remains valid for an additional 30 days after the expiration date. The certification shall be renewed within 30 days of the expiration date.~~

~~b. — To renew a behind the wheel instructor’s certification, a person meeting the qualifications must:~~

~~(1) — Provide behind the wheel instruction for a minimum of 12 clock hours during the previous calendar year.~~

~~(2) — Participate in at least one state-sponsored or state-approved behind-the-wheel instructor refresher course.~~

~~**634.7(5)** *Instructor preparation requirements.* The department shall develop the curriculum in consultation with the Iowa driver education teacher preparation programs approved by the board of educational examiners and in consultation with the American Driver and Traffic Safety Education Association. Instructor preparation shall meet the following requirements:~~

~~a. — Instructor preparation shall consist of 24 clock hours of classroom instruction and 12 clock hours of observed behind the wheel instruction.~~

~~b. — At a minimum, classroom instruction shall focus on topics such as the psychology of the young driver, behind the wheel teaching techniques, and route selection. Classroom instruction shall be delivered by staff from a driver education teacher preparation program approved by the board of educational examiners. The duration of a classroom session shall not exceed four hours. Video conferencing may be used for course delivery.~~

~~c. — Observation of behind the wheel instruction shall be provided by a person licensed to teach driver education who is specially trained by a driver education teacher preparation program approved by the board of educational examiners to observe, coach, and evaluate behind the wheel instructor~~

candidates. The duration of a behind-the-wheel session shall not exceed four hours. A dual-control motor vehicle must be used.

d.—The individual seeking a behind-the-wheel certification must apply to the department within 12 months of the completion of the course.

~~634.7(6)~~ **634.7(3)** *Cancellation.* The department shall cancel the behind-the-wheel instructor's certification of an individual who no longer qualifies under paragraph 634.7(1)“e” or who no longer meets the qualifications for a behind-the-wheel instructor's certification this chapter.

~~634.7(7)~~ *Approved driver education course.* To provide the street or highway driving component of an approved driver education course, an individual holding a behind-the-wheel instructor's certification must be employed by a public or licensed commercial or private provider of the approved driver education course and work under the supervision of a person licensed to teach driver education.

ITEM 7. Amend rule 761—634.8(321) as follows:

761—634.8(321) Private and commercial driver education schools. The department licenses private and commercial driver education schools as follows:

~~634.8(1)~~ *Instructor and course* Course approval. Prior to licensing Before becoming licensed, a driver education school, the department shall approve the school's course, classroom instructors and laboratory instructors must receive course approval, which includes approval of all teachers and instructors listed on the application, from the department prior to the beginning of the first class that is offered and annually thereafter. Street or highway driving Behind-the-wheel instruction must be provided by a person qualified as a classroom driver education instructor or a person certified by the department and authorized by the board of educational examiners who meets the instructor requirements in rule 761—634.6(321). Written evidence Evidence of these the approvals and certifications must be submitted to the department upon application for a license, upon renewal of a license, and upon reinstatement of a license following cancellation.

634.8(2) *Application and fees.* Application for license issuance or renewal shall be made to the department ~~on forms provided~~ in a manner determined by the department. The fee for a license or the renewal of a license is \$25. The fee must be paid by cash, money order or check, unless the department approves payment of the fee by electronic means. A money order or check must be for the exact amount and should be made payable to the Treasurer, State of Iowa, or the Department of Transportation.

634.8(3) *Issuance and renewal.* A license to teach driver education shall be issued for a calendar year or remainder of a calendar year. The license expires on December 31 but remains valid for an additional 30 days after the expiration date. The license shall be renewed application for renewal shall be submitted to the department within 30 60 days of the expiration date, unless otherwise approved by the department.

634.8(4) *Cancellation.* A license to teach driver education shall be canceled if the course, teacher, or instructor is no longer approved or the person providing only behind-the-wheel instruction for driver education is no longer certified by the department and authorized by the Iowa board of educational examiners.

ITEM 8. Amend rule 761—634.11(321) as follows:

761—634.11(321) Driver education—teaching parent. As an alternative to a driver education course offered by a course provider approved under rule 761—634.4(321), a teaching parent may instruct a student in an approved course of driver education.

634.11(1) *Definitions.* As used in this rule:

“*Approved course*” means a driver education curriculum approved by the department that meets the requirements of Iowa Code section 321.178A and is appropriate for teaching-parent-directed driver education and related ~~street or highway driving~~ behind-the-wheel instruction.

“*Clear driving record*” means the individual person currently and during the prior two-year period has not been identified as a candidate for suspension or revocation of a driver's license under the habitual offender or habitual violator provisions of rule 761—615.9(321) or rule 761—615.13(321); is not subject

to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

"Course vendor" means a third-party vendor that makes available commercially an approved course.

"Student" means a person between the ages of 14 and 21 years who is within the custody and control of the teaching parent and who holds a valid Iowa noncommercial instruction permit.

"Teaching parent" means the same as defined in Iowa Code section 321.178A.

634.11(2) Application to serve as a teaching parent.

a. A person who wishes to provide driver education as a teaching parent to a student shall submit an application on a form provided by the department to the ~~office of driver and identification services at the address indicated on the form~~ bureau.

b. to d. No change.

634.11(3) Instruction by a teaching parent.

a. No change.

b. The teaching parent shall select the course to be used from the list of approved courses posted on the department's ~~Internet site~~ website and shall purchase the course directly from the applicable course vendor.

c. No person shall provide driver education as a teaching parent ~~until~~ unless approved by the department, and the department shall not recognize driver education that was:

(1) ~~Provided by a person before the person's approval as a teaching parent.~~

(2) (1) Provided by a person who ~~has not been~~ is not approved as a teaching parent.

(3) (2) Provided to a person who is not a student as defined in subrule 634.11(1).

(4) (3) Offered under a course other than an approved course.

634.11(4) Course completion—certificate of completion.

a. Upon the student's completion of an approved course, the teaching parent shall apply for a certificate of completion on behalf of the student. The teaching parent shall provide evidence showing the student's completion of an approved course and substantial compliance with the requirements of Iowa Code section 321.178A, by affidavit signed by the teaching parent on a form provided by the department. The teaching parent shall include with the application all documentation, statements, certifications, and logs required by Iowa Code section 321.178A. The application and all required documentation, statements, certifications, and logs shall be submitted to the ~~office of driver and identification services at the address indicated on the form~~ bureau.

b. to d. No change.

634.11(5) Course approval.

a. A vendor that wishes to offer a driver education curriculum as an approved course in Iowa shall submit an application on a form provided by the department to the ~~office of driver and identification services at the address indicated on the form~~ bureau, along with a copy of all proposed curriculum materials. A vendor that wishes to offer an electronic curriculum may provide a uniform resource locator (URL) for the proposed electronic materials but must also provide physical copies of the proposed materials.

b. and c. No change.

d. If the proposed curriculum is approved, the department shall issue a certificate of approval to the vendor designating the curriculum as an approved course and shall list the approved course on the department's ~~Internet site~~ website. Course approval will be issued for one calendar year or for the remainder of a calendar year. The approval expires on December 31 and must be renewed annually by the submission of an application on a form provided by the department and all required materials as set forth in this subrule at least 60 days prior to the expiration date, unless otherwise approved by the department. ~~Notwithstanding this paragraph, a course approval issued before December 31, 2014, shall not expire until December 31, 2015.~~